

SENATE BILL No. 498

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-5-4-9; IC 3-6-4.2-15; IC 3-11; IC 3-11.7-5-3.5.

Synopsis: Polling place and voting machine accessibility. Provides that an elderly voter or a voter with disabilities may apply for permanent absentee ballot status. Entitles elderly voters and disabled voters to be provided with ballots and other election materials in the format requested by the voter. Appropriates 10% of the money received by the state under Section 101 of the Help America Vote Act for training election officials, poll workers, and election volunteers. Requires the co-directors of the election division to apply for payments under the Help America Vote Act to make polling places accessible to elderly voters and voters with disabilities and appropriates any money received. Requires voting systems to meet accessibility requirements not later than January 1, 2006. Requires the circuit court clerk rather than the county executive to designate polling places. Requires polling places to be located in facilities accessible to elderly voters and voters with disabilities not later than January 1, 2006. Establishes standards for accessible facilities and accessible voting systems. Appropriates all money received by the Indiana protection and advocacy services commission from the Secretary of the United States Department of Health and Human Services under the Help America Vote Act for activities to ensure full participation in the electoral process for individuals with disabilities. Requires the circuit court clerk to send a notice to a provisional voter whose ballot is not counted stating the reason the voter's ballots were not counted.

Effective: Upon passage; July 1, 2003.

Simpson

January 23, 2003, read first time and referred to Committee on Elections and Civic Affairs.



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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

SENATE BILL No. 498

A BILL FOR AN ACT to amend the Indiana Code concerning elections and to make an appropriation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 3-5-4-9 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1,
3 2003]: **Sec. 9. (a) As used in this section, "voter" refers to an**
4 **elderly voter or a voter with disabilities.**

5 **(b) At the request of a voter, the voter shall be supplied with:**
6 **(1) ballots; and**
7 **(2) other materials supplied to voters in general;**
8 **in the format requested by the voter.**

9 **(c) The commission may adopt rules under IC 4-22-2 to**
10 **implement this section.**

11 SECTION 2. IC 3-6-4.2-15 IS ADDED TO THE INDIANA CODE
12 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
13 UPON PASSAGE]: **Sec. 15. (a) The co-directors of the election**
14 **division shall apply to the Secretary of the United States**
15 **Department of Health and Human Services for payments under**
16 **Sections 261 through 265 of the Help America Vote Act of 2002 to**
17 **make polling places, including the path of travel, entrances, exits,**



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1 and voting areas of each polling place, accessible to individuals
 2 with disabilities, including the blind and visually impaired, in a
 3 manner that provides the same opportunity for access and
 4 participation (including privacy and independence) as for other
 5 voters.

6 (b) If the co-directors receive payments from the United States
 7 Department of Health and Human Services under Sections 261
 8 through 265 of the Help America Vote Act, the co-directors shall
 9 spend the money as described in the application submitted by the
 10 co-directors under Section 263 of the Help America Vote Act of
 11 2002.

12 (c) Money received by the co-directors under this section is
 13 continuously appropriated for the purposes described in subsection
 14 (a).

15 SECTION 3. IC 3-11-4-3, AS AMENDED BY P.L.126-2002,
 16 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2003]: Sec. 3. (a) Except as provided in subsection (b), and
 18 sections 6 and 8 of this chapter, and IC 3-11-4.6, an application for an
 19 absentee ballot must be received by the circuit court clerk (or, in a
 20 county subject to IC 3-6-5.2, the director of the board of elections and
 21 registration) not earlier than ninety (90) days before election day nor
 22 later than the following:

23 (1) Noon on election day if the voter registers to vote under
 24 IC 3-7-36-14.

25 (2) Noon on the day before election day if the voter completes the
 26 application in the office of the circuit court clerk.

27 (3) Noon on the day before election day if:

28 (A) the application is a mailed or hand delivered application
 29 from a confined voter or voter caring for a confined person;
 30 and

31 (B) the applicant requests that the absentee ballots be
 32 delivered to the applicant by an absentee voter board.

33 (4) Midnight on the eighth day before election day if the
 34 application:

35 (A) is a mailed application; or

36 (B) was transmitted by fax;

37 from other voters.

38 (b) This subsection applies to an absentee ballot application from a
 39 confined voter or voter caring for a confined person that is sent by fax,
 40 mailed, or hand delivered to the circuit court clerk of a county having
 41 a consolidated city. An application subject to this subsection that is
 42 sent by fax or hand delivered must be received by the circuit court clerk

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not earlier than ninety (90) days before election day nor later than 10 p.m. on the fifth day before election day. An application subject to this subsection that is mailed must be received by the circuit court clerk not earlier than ninety (90) days before election day and not later than 10 p.m. on the eighth day before election day.

SECTION 4. IC 3-11-4.6 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]:

Chapter 4.6. Permanent Absentee Ballot Status

Sec. 1. The following may apply for permanent absentee voter status under this section:

- (1) A voter with disabilities.
- (2) An elderly voter.

Sec. 2. A voter who wants to apply for permanent absentee voter status must make an application for an absentee ballot under this chapter.

Sec. 3. If the circuit court clerk determines that an applicant is a registered voter of the county who is described in section 1 of this chapter, the circuit court clerk shall do the following:

- (1) Place the voter's name on a list of all voters in the county who have permanent absentee voter status under this chapter.
- (2) Send absentee ballots to the voter each time there is an election held in the precinct of the voter's residence.
- (3) Include in all absentee ballot mailings to the voter an explanation of the absentee voting procedure and an explanation of section 6 of this chapter.

Sec. 4. Absentee ballots mailed to and received from a voter who has permanent absentee voter status:

- (1) are subject to the same deadlines; and
- (2) shall be processed and counted in the same manner;

as all other absentee ballots.

Sec. 5. (a) Before each primary election, the circuit court clerk shall mail to every voter on the list of voters who have permanent absentee voter status a notice and an application regarding voting in the primary election. The notice must inform the voter that the voter may request an absentee ballot for a particular political party for the primary election.

(b) If a voter requests absentee ballots for a primary election for a particular political party, the circuit court clerk shall send the voter absentee ballots for the specified political party for that primary election.

Sec. 6. If a voter on the permanent absentee voter list fails to

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1 return an executed absentee ballot for three (3) consecutive
 2 statewide general elections, the circuit court clerk shall delete the
 3 voter's name from the list of voters with permanent absentee voter
 4 status.

5 SECTION 5. IC 3-11-6.5-0.5 IS ADDED TO THE INDIANA
 6 CODE AS A NEW SECTION TO READ AS FOLLOWS
 7 [EFFECTIVE JULY 1, 2003]: **Sec. 0.5. As used in this chapter,**
 8 **"federal act" refers to the Help America Vote Act of 2002.**

9 SECTION 6. IC 3-11-6.5-1, AS ADDED BY P.L.239-2001,
 10 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2003]: Sec. 1. (a) As used in this section, "department" refers
 12 to the Indiana department of administration established by IC 4-13-1-2.

13 (b) The department shall award quantity purchase agreements to
 14 vendors for new voting systems or upgrades or expansion of existing
 15 voting systems by counties.

16 (c) Both of the following must apply before the department may
 17 issue a quantity purchase agreement to a voting system vendor:

18 (1) The commission has found that ~~all of the following would be~~
 19 ~~enhanced by~~ the vendor's new or upgraded voting system

20 ~~(A) Reliability of a county's voting system:~~

21 ~~(B) Efficiency of a county's voting system:~~

22 ~~(C) Ease of use by voters:~~

23 ~~(D) Public confidence in a county's voting system:~~

24 **meets the standards required by IC 3-11-15-13.**

25 (2) The commission has otherwise approved the vendor's new
 26 voting system or the upgrade or expansion of the existing voting
 27 system for use under this title.

28 (d) The quantity purchase agreement must include options for a
 29 county to:

30 (1) purchase;

31 (2) lease-purchase; or

32 (3) lease;

33 new voting systems or upgrades or expansion of existing voting
 34 systems.

35 **(e) Before January 1, 2006, each county shall enter into an**
 36 **agreement to purchase, lease-purchase, or lease at least one (1)**
 37 **voting system for each precinct in the county from the quantity**
 38 **purchase agreement awarded under this section.**

39 SECTION 7. IC 3-11-6.5-2, AS ADDED BY P.L.239-2001,
 40 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2003]: Sec. 2. (a) The voting system improvement fund is
 42 established for the purpose of reimbursing counties for the:

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1 (1) purchase;
 2 (2) lease-purchase; or
 3 (3) lease;
 4 of new voting systems or for the upgrade or expansion of existing
 5 voting systems.

6 (b) The fund consists of the following:

7 (1) Money appropriated to the fund by the general assembly,
 8 including any money appropriated from the build Indiana fund.

9 (2) All money ~~allocated~~ **paid** to the state ~~by the federal~~
 10 ~~government for improvement of voting systems: under Section~~
 11 **101 or 102 of the federal act.**

12 (3) Proceeds of bonds issued by the Indiana bond bank for
 13 improvement of voting systems as authorized by law.

14 The auditor of state shall establish an account within the fund for
 15 money appropriated by the general assembly and a separate account
 16 within the fund for any money received by the state from the federal
 17 government. Proceeds of bonds issued by the Indiana bond bank under
 18 subdivision (3) may be deposited into either account, as determined by
 19 the election division.

20 (c) The election division shall administer the fund.

21 (d) The expenses of administering the fund shall be paid from
 22 money in the fund.

23 (e) The treasurer of state shall invest the money in the fund not
 24 currently needed to meet the obligations of the fund in the same
 25 manner as other public money may be invested. Interest that accrues
 26 from these investments shall be deposited in the fund.

27 (f) Money in the fund at the end of a state fiscal year does not revert
 28 to the state general fund.

29 (g) Money in the fund is appropriated continuously for the purposes
 30 stated in subsection (a). **Ten percent (10%) of the amount of money**
 31 **paid to the state under Section 101 of the federal act is**
 32 **continuously appropriated for training election officials, poll**
 33 **workers, and election volunteers.**

34 (h) Money in the fund derived from appropriations made by the
 35 general assembly or that are the proceeds of bonds issued by the
 36 Indiana bond bank may be used only to reimburse counties for the:

- 37 (1) purchase;
 38 (2) lease-purchase; or
 39 (3) lease;

40 of new voting systems or upgrades or expansion of existing voting
 41 systems after June 30, 2001.

42 (i) Money in the fund derived from money received by the state



from the federal government may be used for either of the following purposes:

(1) to reimburse counties for the:

(A) purchase;

(B) lease-purchase; or

(C) lease;

of new voting systems or upgrades or expansion of existing voting systems after June 30, 2001.

(2) To reimburse counties for the purchase of new voting systems ~~or upgrades or expansion of existing voting systems to replace a punch card voting system or a voting machine system~~ after January 1, ~~1998, and before July 1, 2001.~~

SECTION 8. IC 3-11-6.5-4, AS ADDED BY P.L.239-2001, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. The budget agency, after review by the budget committee, shall approve a county's application for reimbursement under this chapter if the county's application demonstrates to the budget agency ~~either of the following:~~

~~(1)~~ that the county will:

~~(A)~~ **(1)** purchase;

~~(B)~~ **(2)** lease-purchase; or

~~(C)~~ **(3)** lease;

a new voting system or an upgrade or expansion of an existing voting system from a vendor that has a quantity purchase agreement awarded under section 1 of this chapter.

~~(2) The county purchased a new voting system or an upgrade or expansion of the county's existing voting system after January 1, 1998, and before July 1, 2001, and the new voting system or upgrade or expansion of the county's existing voting system enhanced all of the following:~~

~~(A) Reliability of the county's voting system.~~

~~(B) Efficiency of the county's voting system.~~

~~(C) Ease of use of the county's voting system by voters.~~

~~(D) Public confidence in the county's voting system.~~

SECTION 9. IC 3-11-8-1.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1.2. (a) As used in this section, "facility" refers to the facility in which a polling place is located.

(b) For purposes of this chapter, a facility is an "accessible facility" for elderly voters and voters with disabilities only if the following apply:

(1) The facility meets the standards for accessibility for



elderly voters and voters with disabilities established under 42 U.S.C. 1973ee through 42 U.S.C. 1973ee-6.

(2) All the following are accessible to elderly voters and voters with disabilities in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters:

(A) The path to the facility that an individual must travel on the property where the facility is located.

(B) The entrances of the facility used by voters.

(C) The paths of travel within the facility to the rooms or areas where the voting systems are located.

(D) The rooms or areas in the facility where the voting systems are located.

(c) The requirements of subsection (b) are satisfied if a facility complies with subsection (b) by implementing temporary measures.

SECTION 10. IC 3-11-8-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. A voter shall vote at the polls for the precinct where the voter resides except when authorized to vote in another precinct under IC 3-10-10, IC 3-10-11, IC 3-10-12, or at a special voting poll under ~~section 6~~ **section 6.5** of this chapter.

SECTION 11. IC 3-11-8-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. (a) Before each election each ~~county executive~~ **circuit court clerk** shall secure for each precinct of the county a ~~suitable room~~ **an accessible facility** in which to hold the election.

(b) If ~~there is no suitable room~~ **an accessible facility is not** available within the precinct, then the polls may be located in a public building in an adjoining precinct if the public building is:

(1) not more than one (1) mile from the closest boundary of the precinct for which it is the polls; or

(2) located in the same township as the precinct that ~~has no suitable room~~ **does not have an accessible facility** available;

if the polling place complies with accessibility requirements for disabled voters under 42 U.S.C. 1973ee through 1973ee-6.

(c) If the county election board, by a unanimous vote of its entire membership, determines that ~~there is no suitable room~~ **an accessible facility is not** available under subsection (b), the board may locate the polls in the most convenient available ~~room~~ **accessible facility** in the county. ~~that complies with the accessibility requirements for disabled voters.~~

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SECTION 12. IC 3-11-8-3.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3.1. (a) A ~~county executive circuit court clerk~~ shall designate the polls for each precinct not less than twenty-nine (29) days before election day.

(b) The designation of a polling place under this section remains in effect until:

(1) the location of the polling place is altered by an order of the ~~county executive circuit court clerk~~ or county election board under this chapter; or

(2) a precinct establishment order issued under IC 3-11-1.5:

(A) designates a new polling place location; or

(B) combines the existing precinct with another precinct established by the order.

(c) The ~~county executive circuit court clerk~~ shall then file the report required by section ~~66.5~~ of this chapter concerning polls that are inaccessible to voters with disabilities.

SECTION 13. IC 3-11-8-3.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3.2. (a) A ~~county executive circuit court clerk~~ shall give ten (10) days notice of the place of voting in each precinct by publication in the manner prescribed by IC 5-3-1-4. **Before January 1, 2006, the notice must include the following information:**

(1) For each precinct, whether the polls are located in an accessible facility.

(2) If special polling places are designated under section 6.5 of this chapter:

(A) the location of each special polling place; and

(B) the procedures for elderly voters and voters with disabilities to apply to vote at a special polling place.

(b) If it is necessary to change a place for voting after giving notice, notice of the change shall be given in the same manner. However, except as provided in subsection ~~(b)~~, ~~no~~ **(c)**, a change may **not** be made within two (2) days before an election.

~~(b)~~ **(c)** If the county election board determines by a unanimous vote of the board's entire membership that the use of a polling place at an election would be dangerous or impossible, the county election board may order the relocation of the polling place during the final two (2) days before an election. The county election board shall give the best possible notice of this change to news media and the voters of the precinct.

SECTION 14. IC 3-11-8-4.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4.2. If there is one (1)



or more towns in a township that contains only one (1) precinct, the county executive circuit court clerk shall locate the polls at a convenient location in the town that has the largest population.

SECTION 15. IC 3-11-8-4.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4.3. If a precinct contains less than two hundred fifty (250) active voters, the county executive circuit court clerk may locate the polls for the precinct at the polls for an adjoining precinct, using the precinct election board of the adjoining precinct.

SECTION 16. IC 3-11-8-6, AS AMENDED BY P.L.38-1999, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 6. (a) ~~If possible; Except as provided in section 6.5 of this chapter,~~ the county executive shall locate the polls for each precinct in ~~a an accessible facility. that meets the standards for accessibility for voters with disabilities and elderly voters established under 42 U.S.C. 1973ee through 1973ee-6.~~ If the county executive determines that no accessible facility is available in a precinct and that no facility can be made temporarily accessible, the county executive shall designate at least one (1) special voting poll in the county at least twenty-nine (29) days before election day. A special voting poll must:

(1) be accessible to voters with disabilities and elderly voters under federal law; and

(2) operate under all other requirements for precincts and polls under this title:

(b) The county executive shall:

(1) provide public notice; and

(2) file a report;

listing each inaccessible precinct and each special voting poll in the county with the election division at least twenty-nine (29) days before election day. The list shall be available to any person upon request:

(c) A precinct poll may also be used as a special voting poll for the county if the precinct poll meets the standards for accessibility by voters with disabilities and elderly voters established under federal law:

(d) The county election board shall assign a special voting poll to a voter with disabilities or elderly voter:

(1) whose regular precinct poll is inaccessible to voters with disabilities or elderly voters; and

(2) who submits an application on a form prescribed by the commission at least ten (10) days before election day:

(e) Applications may be submitted under subsection (d)(2):

(1) in person at the principal office of the county election board; or



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(2) by mail.

(f) The precinct election board at a special voting poll shall do the following:

(1) Provide each voter with disabilities or elderly voter assigned under subsection (d) a ballot that includes all offices and public questions to be voted for in the voter's precinct of residence.

(2) Prepare a separate poll list for the voters with disabilities and elderly voters assigned to the special voting poll.

(g) Votes cast at a special voting poll shall be counted and reported in the same manner as votes cast at a precinct under this title.

SECTION 17. IC 3-11-8-6.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 6.5. (a) Not later than twenty-nine (29) days before election day, the circuit court clerk shall file a report with the co-directors of the election division listing each precinct of the county for which the circuit court clerk was unable to secure an accessible facility for election day. The report must include any other information required by the co-directors.**

(b) If the co-directors determine that there are no accessible facilities the circuit court clerk can secure for a precinct polling place, the co-directors shall authorize the circuit court clerk to designate at least one (1) special polling place in the county.

(c) A special polling place must:

(1) be located in an accessible facility; and

(2) operate under all other requirements for precincts and polls under this title.

(d) A precinct polling place located in an accessible facility may be used as a special polling place for the county under subsection (c).

(e) The county election board shall assign a special polling place to an elderly voter or a voter with disabilities:

(1) whose regular precinct polling place is not located in an accessible facility; and

(2) who submits an application on a form prescribed by the commission not later than ten (10) days before election day.

Applications may be submitted under subdivision (2) by mail or in person at the county election board's principal office.

(f) The precinct election board at a special polling place shall do the following:

(1) Provide each elderly voter or voter with disabilities assigned to the special polling place under subsection (e) a ballot that includes all offices and public questions to be voted

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for in the voter's precinct of residence.

(2) Prepare a separate poll list for the elderly voters and the voters with disabilities assigned to the special polling place.

(g) Votes cast at a special polling place shall be counted and reported in the same manner as votes cast at a precinct under this title.

(h) This section expires January 1, 2006.

SECTION 18. IC 3-11-8-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 7. In preparing the polls for an election, the ~~county executive~~ **circuit court clerk** shall:

(1) have placed within the room a railing separating the part of the room to be occupied by the precinct election board from that part of the room to be occupied by the voting machines, ballot card voting systems, electronic voting systems, and the three (3) or more booths or compartments for marking paper ballots, whenever either or two (2) of these voting systems are used;

(2) ensure that the portion of the room set apart for the precinct election board includes a door at which each voter appears for challenge; and

(3) provide a chute with a railing, rope, or wire on each side, beginning fifty (50) feet away from and leading to the door for challenge and to the room in which the election is held.

SECTION 19. IC 3-11-15-13, AS AMENDED BY P.L.126-2002, SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 13. (a) ~~Except as provided in this chapter,~~ To be approved for use in Indiana, a voting system shall meet **the following standards:**

(1) A voting system must be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters. A county complies with the standards described in this subdivision if each precinct in the county has at least one (1) voting system equipped for individuals with disabilities that complies with the standards described in this subdivision.

(2) A voting system must meet the Voting System Standards established by the Performance and Test Standards for Punchcard, Marksense, and Direct Recording Electronic Voting Systems issued ~~approved~~ by the Federal Election Commission on ~~January 25, 1990:~~ **April 30, 2002.**

(b) The commission may adopt rules under IC 4-22-2 to require a

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1 voting system to meet standards more recent than standards described
 2 in subsection ~~(a):~~ **(a)(2)**. If the commission adopts rules under this
 3 subsection, a voting system must meet the standards described in the
 4 rules instead of the standards described in subsection ~~(a):~~ **(a)(2)**.

5 **(c) A voting system that does not meet the standards described**
 6 **in subsection (a) after December 31, 2005, may not be used in**
 7 **Indiana.**

8 SECTION 20. IC 3-11.7-5-3.5 IS ADDED TO THE INDIANA
 9 CODE AS A NEW SECTION TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 2003]: **Sec. 3.5. If a provisional ballot is not**
 11 **counted under this article, the circuit court clerk shall send a notice**
 12 **to the provisional voter stating the following:**

13 **(1) That the provisional voter's provisional ballots were not**
 14 **counted.**

15 **(2) The reason the provisional voter's provisional ballots were**
 16 **not counted.**

17 **(3) If the reason the provisional voter's provisional ballots**
 18 **were not counted was a defect in the provisional voter's**
 19 **registration, an explanation of how the provisional voter can**
 20 **correct the defect.**

21 SECTION 21. [EFFECTIVE JULY 1, 2003] **(a) As used in this**
 22 **SECTION, "commission" refers to the Indiana protection and**
 23 **advocacy services commission established by IC 12-28-1-6.**

24 **(b) As used in this SECTION, "federal act" refers to Title II,**
 25 **Subtitle D, Part 5 of the Help America Vote Act of 2002.**

26 **(c) All money received by the commission from the Secretary of**
 27 **the United States Department of Health and Human Services under**
 28 **the federal act is appropriated beginning July 1, 2003, for activities**
 29 **permitted under the federal act to ensure full participation in the**
 30 **electoral process for individuals with disabilities, including**
 31 **registering to vote, casting a vote, and accessing polling places.**

32 **(d) This SECTION expires July 1, 2005.**

33 SECTION 22. An emergency is declared for this act.

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